

U.S. Department of Justice

*United States Attorney
Southern District of New York*

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March 7, 2008

BY FACSIMILE

Hon. Loretta A. Preska
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Suite 1320
New York, New York 10007
Facsimile: (212) 805-7941

**Re: *Mumtaz Khan v. U.S. Citizenship & Immigration Service, et al.*,
No. 07 Civ. 6796 (LAP) (AJP)**

Dear Judge Preska:

This Office represents the defendants in the above-referenced action, which seeks to compel various federal agencies to complete their adjudication of plaintiff's naturalization application. I write in response to plaintiff's counsel's letter dated March 5th and to (belatedly) request an adjournment of the briefing schedule for the Government's motion to dismiss this case for lack of subject matter jurisdiction. Under the prevailing schedule, we were to have filed our motion on February 15, 2008. Obviously, we did not do so and, due to an oversight on my part, failed to request an extension prior to the original due date.

Nonetheless, we still intend to move to dismiss and respectfully request an extension of the briefing schedule. There are several reasons for this request. *First*, I was on trial before Judge Stein for the better part of February. *Second*, and in any event, we have only this week been able to obtain the necessary declaration in support of the Government's motion from Michael Cannon, the chief of the FBI's National Name Check Program Section. (A number of similar lawsuits throughout the country have challenged the failure of the FBI and the Department of Homeland Security to approve naturalization applications, and there is a significant queue even to obtain the declarations that typically support our motions to dismiss in such cases).

Should the Court permit an extension, the parties respectfully propose the following briefing schedule:

Defendants to move by March 21, 2008
Plaintiff to oppose by April 4, 2008
Defendants to reply by April 18, 2008

March 7, 2008

SO ORDERED

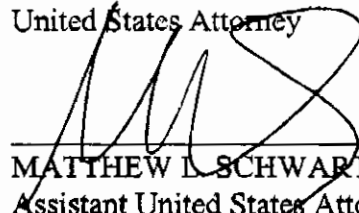
Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

This is the Government's first request for an extension of the briefing schedule. Plaintiff's counsel does not oppose this extension, but in addition maintains their request for a conference with the Court; the Government of course has no objection to a conference if one would be helpful to the Court. Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA
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